

# HOUSE JOURNAL

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SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-SECOND DAY — TUESDAY, MAY 20, 2003

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 635).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; West; Wilson; Wise; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Telford.

Absent, Excused, Committee Meeting — Heflin; Luna; Pitts; Turner; Wohlgemuth.

Absent — Oliveira; Villarreal.

The invocation was offered by Chris Swinford, pastor, College Hill Church of Christ, North Richland Hills, as follows:

Our Father in heaven, we praise your name for all of the great things you have done, all of the great things you are doing, and all of the great things you will be doing for us in the future. You have truly blessed us and we are thankful. We pray that we all live lives showing that we love you and appreciate the ways that you have blessed us all.

We pray especially this morning for the State of Texas and those who have been elected to serve this state. We pray that each individual here feels the need to be responsive and responsible to those who have entrusted them with this opportunity to lead and serve, and that each person will seek to lead in a moral

and ethical way. We pray that the decisions made here in this hall will be based on a genuine desire to do what is right for the people of this state and to do what is pleasing, right, and just in your sight.

Help all of those here to remember to plead for the orphan, defend the widow and the widower, help the helpless, give opportunity to the children, and do the right things to care for the people who today are working hard to provide for their families and who are making it possible for us to be here in this assembly. We ask that you also bless these legislators with the wisdom to be good stewards of the funds entrusted to them so that those truly needing help and those dependent on services can benefit from them. It takes wisdom, and we pray this for those who will be debating, deciding, and voting today. We pray that you will continue to lift up congregations, organizations, and individuals who will give of themselves, and that we will all learn to take care of those around us, not feeling that we have to depend solely on government as an answer to the problems of our society. Help us all to keep alive the spirit of helping one's neighbor and being kind to those in need. Help us to look for opportunities to be kind and for opportunities to help others.

Please be with the governor, lieutenant governor, Speaker Craddick, and all those who have been entrusted with leadership in this state. Help them to faithfully discharge their duties and have the courage and strength to lead in the way you would have them lead. We pray also for our national leaders. We pray for President Bush, Vice President Cheney, and all of those given the task of leading our country. We love our country, and we pray that you continue to bless our country and our state. We pray that you bless our soldiers and those making decisions that affect our world. We pray that you will continue to bless the cause of Christianity around the world and continue to remove and replace those who would hinder human rights, freedom of religion, and the ability to govern oneself. May you continually lift up leaders to fill these positions.

We love you Father. Help us to prove this by the way we live in this world and by the way we treat one another. We all face challenges and hardships of various kinds. May we always face them in a way that would please you. We pray that you bless us all and that you bless this state, bless our country, and bless this world. In the name of Jesus we pray. Amen.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today to attend a meeting of the conference committee on **HB 1**:

Heflin on motion of Lewis.

Pitts on motion of Lewis.

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **HB 1**:

Luna on motion of Lewis.

Turner on motion of Lewis.

Wohlgemuth on motion of Lewis.

The following member was granted leave of absence for today because of important business in the district:

Telford on motion of Hopson.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative King who presented Dr. Jeff Alling of Decatur as the "Doctor for the Day."

The house welcomed Dr. Alling and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business in the district:

Ritter on motion of Ellis.

### **SCR 23 - ADOPTED (J. Davis - House Sponsor)**

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **SCR 23**.

The motion prevailed without objection.

The following resolution was laid before the house:

**SCR 23**, Commending Herb Miller on his outstanding achievements in the Senior Olympics.

**SCR 23** was adopted without objection.

(Wong in the chair)

### **HCR 2 - ADOPTED (by Deshotel)**

Representative Deshotel moved to suspend all necessary rules to take up and consider at this time **HCR 2**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 2**, Recognizing the 10th anniversary of Southeast Texas Community Development Corporation, Inc.

**HCR 2** was adopted without objection.

### **HR 1046 - ADOPTED (by Deshotel)**

Representative Deshotel moved to suspend all necessary rules to take up and consider at this time **HR 1046**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1046**, Honoring Princess Hopson of Beaumont for her receipt of the Whitney M. Young Jr. Service Award.

**HR 1046** was adopted without objection.

**HR 1231 - ADOPTED  
(by Pickett)**

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HR 1231**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1231**, Congratulating El Paso city councilman John Cook on his reelection.

**HR 1231** was adopted without objection.

**HR 1232 - ADOPTED  
(by Pickett)**

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HR 1232**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1232**, Congratulating El Paso city councilman Dan Power on his reelection.

**HR 1232** was adopted without objection.

**HR 1204 - ADOPTED  
(by King)**

Representative King moved to suspend all necessary rules to take up and consider at this time **HR 1204**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1204**, Honoring Wendy Mohr on being named Teacher of the Year for Weatherford ISD.

**HR 1204** was adopted without objection.

**HR 1295 - ADOPTED  
(by Bohac)**

Representative Bohac moved to suspend all necessary rules to take up and consider at this time **HR 1295**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1295**, Encouraging the City of Houston to redevelop Long Point Road.

**HR 1295** was adopted without objection.

(Edwards in the chair)

**HR 1294 - ADOPTED**

**(by Wong)**

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1294**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1294**, Honoring the graduates of Leadership Class XI sponsored by the Greater Southwest Houston Chamber of Commerce.

**HR 1294** was adopted without objection.

(Wong in the chair)

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**CSSB 591 ON SECOND READING**

**(Allen - House Sponsor)**

**CSSB 591**, A bill to be entitled An Act relating to the structure and functions of the Texas Council on Offenders with Mental Impairments and to reassigning the duties of the council to the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments and the Texas Correctional Office on Offenders with Medical or Mental Impairments.

**CSSB 591** was read second time on May 19 and was postponed until 1:00 p.m. today.

Representative Allen moved to postpone consideration of **CSSB 591** until 1:00 p.m. tomorrow.

The motion prevailed without objection.

**MAJOR STATE CALENDAR**

**SENATE BILLS**

**THIRD READING**

The following bills were laid before the house and read third time:

**SB 276 ON THIRD READING**

**(Flores, Dunnam, Chisum, and Solomons - House Sponsors)**

**SB 276**, A bill to be entitled An Act relating to the continuation and functions of the Board of Tax Professional Examiners.

**SB 276** was passed.

**SB 283 ON THIRD READING****(Chisum, Dunnam, and Solomons - House Sponsors)**

**SB 283**, A bill to be entitled An Act relating to the continuation and functions of the Texas Board of Architectural Examiners, including functions affecting architects, landscape architects, and interior designers; providing a criminal penalty.

**Amendment No. 1**

Representative W. Smith offered the following amendment to **SB 283**:

Amend **SB 283** on third reading as follows:

(1) On page 16, line 25 between, "board" and "appointed" insert "and one practicing architect"

(2) On page 17, line 1 between, "Engineers" and "appointed", insert "and one practicing architectural engineer".

(Villarreal now present)

**Amendment No. 2**

Representative Chisum offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 to **SB 283** on third reading as follows:

1) on line 3 between "practicing" and "architect" insert "accredited"

2) on line 5 between "practicing" and "architectural" insert "accredited"

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

**Amendment No. 3**

Representative Villarreal offered the following amendment to **SB 283**:

Amend **SB 283** on third reading as follows:

(1) In ARTICLE 1 of the bill, add the following appropriately numbered SECTION and renumber subsequent SECTIONS of ARTICLE 1 appropriately:

SECTION 1.\_\_\_\_. Existing Subchapter E, Chapter 1051, Occupations Code, is amended by adding Section 1051.213 to read as follows:

Sec. 1051.213. RECOMMENDATION OF REHABILITATION CODES AND PROVISIONS. The board may recommend to municipalities a rehabilitation code and prescriptive provisions for rehabilitation for adoption under Section 214.215, Local Government Code. In making its recommendations, the board may consider rehabilitation codes published by developers of national model codes or the American National Standards Institute and prescriptive provisions for rehabilitation included in a code published by developers of national model codes or the American National Standards Institute.

(2) Add the following appropriately numbered ARTICLE and renumber the subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_\_. REHABILITATION CODES

SECTION \_\_\_\_\_.01. The heading to Subchapter G, Chapter 214, Local Government Code, is amended to read as follows:

SUBCHAPTER G. BUILDING AND REHABILITATION CODES

SECTION \_\_\_\_\_.02. Subchapter G, Chapter 214, Local Government Code, is amended by adding Section 214.215 to read as follows:

Sec. 214.215. ADOPTION OF REHABILITATION CODES OR PROVISIONS. (a) In this section, "rehabilitation" means the alteration, remodeling, enlargement, or repair of an existing structure.

(b) A municipality that adopts a building code, other than the International Residential Code adopted under Section 214.212, shall adopt one of the following:

(1) prescriptive provisions for rehabilitation as part of the municipality's building code; or

(2) the rehabilitation code that accompanies the building code adopted by the municipality.

(c) The rehabilitation code or prescriptive provisions do not apply to the rehabilitation of a structure to which the International Residential Code applies or to the construction of a new structure.

(d) A municipality may:

(1) adopt the rehabilitation code or prescriptive provisions for rehabilitation recommended by the Texas Board of Architectural Examiners; or

(2) amend its rehabilitation code or prescriptive provisions for rehabilitation.

(e) A municipality shall enforce the prescriptive provisions for rehabilitation or the rehabilitation code in a manner consistent with the enforcement of the municipality's building code.

SECTION \_\_\_\_\_.03. A municipality shall adopt prescriptive provisions for rehabilitation or a rehabilitation code, as required by Section 214.215, Local Government Code, as added by this Act, on or before January 1, 2004.

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representatives Berman and B. Cook offered the following amendment to **SB 283**:

Amend **SB 283**, on third reading, as follows:

(1) Strike the SECTION of the bill adding Section 1052.006, Occupations Code.

(2) Amend the recital to that SECTION accordingly.

**MESSAGES FROM THE SENATE**

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

**SB 283 - (consideration continued)****Amendment No. 5**

Representatives Alonzo and Uresti offered the following amendment to Amendment No. 4:

Amend the Berman amendment to **SB 283** by inserting an item (3) to read as follows:

(3) Add the following appropriately numbered SECTION to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. This Act does not affect the application of the federal American Disabilities Act of 1990.

Amendment No. 5 was adopted without objection.

Amendment No. 4, as amended, was adopted without objection.

(Luna now present)

**SB 283**, as amended, was passed.

**SB 285 ON THIRD READING**  
**(Chisum - House Sponsor)**

**SB 285**, A bill to be entitled An Act relating to the administration and functions of the Texas Department of Human Services.

**Amendment No. 1**

Representatives McReynolds and J. Keffer offered the following amendment to **SB 285**:

Amend **SB 285** on third reading by adding the following appropriately numbered section to the bill and renumbering subsequent sections accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.015 to read as follows:

Sec. 31.015. SERVICE REFERRALS FOR CERTAIN RECIPIENTS. To the extent practicable using existing revenue, the department, by rule, shall develop and implement a plan to:

(1) identify recipients of financial assistance that are at risk of exhausting their benefits under Section 31.0065; and

(2) provide referrals for the recipient and the recipient's family to appropriate preventive and support services, including faith-based services.

Amendment No. 1 was adopted without objection.

**SB 285**, as amended, was passed.

**SB 1147 ON THIRD READING**  
**(Wise and Dunnam - House Sponsors)**

**SB 1147**, A bill to be entitled An Act relating to the functions of the State Office of Administrative Hearings, including hearings functions transferred to the office from the Texas Department of Licensing and Regulation.

**SB 1147** was passed.

**MAJOR STATE CALENDAR**  
**SENATE BILLS**  
**SECOND READING**

The following bills were laid before the house and read second time:



**CSSB 280 ON SECOND READING**  
**(Solomons and J. Keffer - House Sponsors)**

**CSSB 280**, A bill to be entitled An Act relating to the continuation and functions of the Texas Workforce Commission.

**Amendment No. 1**

Representative Solomons offered the following amendment to **CSSB 280**:

Amend **CSSB 280** (house committee printing, page 45, between lines 9 and 10) by inserting the following new ARTICLE:

**ARTICLE 7A. OTHER UNEMPLOYMENT COMPENSATION ISSUES**

**SECTION 7A.01.** Section 204.022, Labor Code, is amended by adding Subsection (c) to read as follows:

(c) Benefits may not be charged to the account of an employer, regardless of whether the liability for the chargeback arises in the employee's current benefit year or in a subsequent benefit year, if the employee's last separation from the employer's employment before the employee's benefit year was or would have been excepted from disqualification under Section 207.052(b).

**SECTION 7A.02.** Section 204.022(c), Labor Code, as added by this article, applies only to a claim for unemployment compensation benefits that is filed with the Texas Workforce Commission on or after the effective date of this Act. A claim filed before that date is governed by the law in effect on the date the claim was filed, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Solomons offered the following amendment to **CSSB 280**:

Amend **CSSB 280** (house committee printing) by adding the following appropriately numbered SECTIONS to ARTICLE 4 of the bill and renumbering the other SECTIONS of ARTICLE 4 of the bill appropriately:

**SECTION \_\_.** Section 2308.264, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsections (a-1), (e), and (f) to read as follows:

(a) Except as otherwise provided by this section, a [A] board may not directly provide workforce training or one-stop workforce [and] services.

(a-1) A board may not act as a fiscal agent for any entity that contracts with the board to provide one-stop workforce services.

(b) A board may request from the Texas Workforce Commission [~~council~~] a waiver of Subsection (a).

(d) If a board receives a waiver to provide workforce training and one-stop workforce services, the evaluation of results and outcomes is provided by the Texas Workforce Commission [~~council~~].

(e) The Texas Workforce Commission by rule shall establish contracting guidelines for boards under this section, including guidelines designed to:

(1) ensure that each independent contractor that contracts to provide one-stop workforce services under this section has sufficient financial security; and

(2) prevent potential conflicts of interest between boards and entities that contract with boards under this section.

(f) The Texas Workforce Commission shall ensure that each board complies with this section and may approve a local plan under Section 2308.304 only if the plan complies with this section.

SECTION \_\_. Section 2308.267(b), Government Code, is amended to read as follows:

(b) A board's staff shall be separate from and independent of any organization providing workforce education or workforce training and services in the workforce development area. A board's staff may not direct or control the staffing of any entity providing one-stop workforce services.

SECTION \_\_. (a) The Texas Workforce Commission shall adopt rules as required by Section 2308.264(e), Government Code, as added by this article, not later than March 1, 2004. Until the commission has adopted rules as required by that section, the commission may not approve a new local plan or contract:

(1) that uses a managing director or a professional employment organization for the delivery of one-stop workforce services; or

(2) under which an independent contractor provides one-stop workforce services, unless the plan or contract requires the independent contractor to:

(A) directly employ staff to provide one-stop workforce services; and

(B) have direction and control over the staff providing the one-stop workforce services, including the right to hire, fire, discipline, and reassign the staff.

(b) Rules adopted by the Texas Workforce Commission under Section 2308.264(e), Government Code, as added by this article, apply to any existing local plan adopted by a local workforce development board and any existing contract for one-stop workforce services. If an existing commission-approved local plan or contract that uses a managing director or a professional employment organization for the delivery of one-stop workforce services does not comply with the rules adopted under Section 2308.264(e), Government Code, as added by this article, the board operating under the plan or contract shall comply with the rules not later than September 1, 2004, and may continue to operate under the plan or contract until that date.

(Speaker in the chair)

### **Amendment No. 3**

Representative Puente offered the following amendment to Amendment No. 2:

Amend the Solomons amendment to **CSSB 280** on page 3, line 4, by striking "September" and substituting "January".

Amendment No. 3 was adopted without objection.

Amendment No. 2, as amended, was adopted without objection.

#### **Amendment No. 4**

Representative Chavez offered the following amendment to **CSSB 280**:

Amend **CSSB 280** (House Committee Report) in SECTION 4.05 of the bill, by striking proposed Section 302.065(c), Labor Code (page 23, lines 14-23), and substituting the following:

(c) To the greatest extent possible and using existing resources, each local career development center that provides workforce services shall provide:

(1) an integrated eligibility determination for workforce services; and  
(2) integrated case management for a customer receiving workforce services.

Representative Solomons moved to table Amendment No. 4.

The motion to table prevailed.

#### **Amendment No. 5**

Representative Isett offered the following amendment to **CSSB 280**:

Amend **CSSB 280** (House committee report), between ARTICLES 3 and 4 of the bill (page 15, between lines 8 and 9), by inserting the following new ARTICLE:

#### **ARTICLE 3A. TAX REFUNDS FOR WAGES PAID TO CERTAIN EMPLOYEES**

##### **RECEIVING FINANCIAL ASSISTANCE**

SECTION 3A.01. Section 1(b), Article 21.52K, Insurance Code, is amended to read as follows:

(b) The term "group health benefit plan" includes:

(1) a small employer health benefit plan written under Chapter 26 of this code; ~~and~~

(2) a plan provided under Chapter 1551 or 1601 ~~[the Texas Employees Uniform Group Insurance Benefits Act (Article 3.50-2, Vernon's Texas Insurance Code), the Texas State College and University Employees Uniform Insurance Benefits Act (Article 3.50-3, Vernon's Texas Insurance Code)], the Texas Public School Employees Group Insurance Act (Article 3.50-4, Vernon's Texas Insurance Code), or a successor of any of those plans; and~~

(3) a medical savings account plan or other health reimbursement arrangement authorized by law.

SECTION 3A.02. Subchapter H, Chapter 301, Labor Code, is amended by amending Sections 301.104 and 301.105 and adding Section 301.108 to read as follows:

Sec. 301.104. ELIGIBILITY. A person is eligible for the refund for wages paid or incurred by the person, during each calendar year for which the refund is claimed, only if:

(1) the wages paid or incurred by the person are for services of an employee who is:

- (A) a resident of this state; and
- (B) a recipient of:
  - (i) financial assistance and services in accordance with Chapter 31, Human Resources Code; or
  - (ii) medical assistance in accordance with Chapter 32, Human Resources Code;
- (2) the person satisfies the certification requirements under Section 301.105; and
- (3) the person, under an arrangement under Section 32.0422, Human Resources Code, provides and pays for the benefit of the employee a part of the cost of coverage under:

(A) a health plan provided by a health maintenance organization established under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code);

(B) a health benefit plan approved by the commissioner of insurance;

(C) a self-funded or self-insured employee welfare benefit plan that provides health benefits and is established in accordance with the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.); or

(D) a medical savings account or other health reimbursement arrangement authorized by law [~~under the Health Insurance Portability and Accountability Act of 1996 (26 U.S.C. Section 220)~~].

Sec. 301.105. CERTIFICATION. A person is not eligible for the refund for wages paid or incurred by the person unless the person has received a written certification from the commission that the employee is a recipient of medical assistance or financial assistance and services on or before the day the employee begins employment with the person.

Sec. 301.108. LIMITATION ON CONVEYANCE, ASSIGNMENT, OR TRANSFER OF REFUND. A person may convey, assign, or transfer a refund under this subchapter to another person only if:

(1) the employing unit is sold, conveyed, assigned, or transferred, in the same transaction or in a related transaction, to the person to whom the refund is conveyed, assigned, or transferred; or

(2) the person to whom the refund is conveyed, assigned, or transferred:

(A) is subject to a tax administered by the comptroller and deposited to the credit of the general revenue fund without dedication; and

(B) directly or indirectly owns, controls, or otherwise directs, in whole or in part, an interest in the person from whom the refund is conveyed, assigned, or transferred.

SECTION 3A.03. The changes in law made by this article to Sections 301.104 and 301.105, Labor Code, apply only to a claim for a refund under Section 301.104 for wages that were paid or incurred on or after the effective date of this Act.

Amendment No. 5 was adopted without objection.

**Amendment No. 6**

Representative Villarreal offered the following amendment to **CSSB 280**:

Amend **CSSB 280** in ARTICLE 4 of the bill by inserting the following new SECTION, appropriately numbered, and renumbering remaining SECTIONS in the ARTICLE accordingly:

SECTION 4.\_\_\_\_\_. STUDY AND REPORT ON CHILD-CARE INITIATIVES. (a) The Texas Workforce Commission shall study and produce a comprehensive report on state and local initiatives and collaborative initiatives targeted at enhancing the quality of child care, including initiatives funded from public or private sources.

(b) The Texas Workforce Commission shall work in conjunction with the Health and Human Services Commission and the Department of Protective and Regulatory Services in studying the initiatives and producing the report.

(c) The Texas Workforce Commission shall coordinate the efforts under this section with the activities of the Office of Early Childhood Coordination, particularly as those efforts relate to the development of the statewide strategic plan required under Section 531.284, Government Code.

(d) The report must:

(1) include a description of each initiative's activity, including:

(A) factors relevant to the initiative's success; and

(B) the amount and sources of the initiative's funding;

(2) describe programmatic best practices as models for replication statewide; and

(3) establish statewide benchmarks for quality child care.

(e) The Texas Workforce Commission shall submit the report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of appropriate legislative committees not later than September 1, 2004.

(f) This section expires September 1, 2005.

(Kolkhorst in the chair)

Amendment No. 6 was adopted without objection.

(Speaker in the chair)

**Amendment No. 7**

Representative Villarreal offered the following amendment to **CSSB 280**:

Amend **CSSB 280** in ARTICLE 4 of the bill by inserting the following new SECTION, appropriately numbered, and renumbering subsequent sections of the article accordingly:

SECTION 4.\_\_\_\_\_. Subchapter A, Chapter 302, Labor Code, is amended by adding Section 302.0045 to read as follows:

Sec. 302.0045. NOTICE REGARDING TERMINATION OF CERTAIN CHILD-CARE SERVICES. (a) The commission shall direct each local workforce development board to notify a working poor subsidy recipient who resides in that board's local workforce development area and who receives child-care services

from a child-care services program financed through state or federal funds of any termination of the subsidy for any reason other than involuntary termination resulting from the recipient's actions or failure to act.

(b) Except as otherwise provided by this subsection, the local workforce development board shall provide the notice in writing to the recipient not later than the 30th day before the scheduled date of termination of the affected child-care services subsidy. The notice must include information regarding other child-care services programs under which the recipient may be eligible for services. If providing notice on or before the deadline specified by this subsection would interfere with the ability of the local workforce development board to comply with its duties regarding the number of children to be served or would require the expenditure of funds in excess of the amount appropriated to the board, the board may provide the notice on the earliest date on which it is practicable for the board to provide notice.

Amendment No. 7 was adopted without objection.

#### **Amendment No. 8**

Representatives Marchant and Solomons offered the following amendment to **CSSB 280**:

Amend **CSSB 280** (House Committee Report) by adding the following appropriately numbered SECTION to ARTICLE 4 of the bill and renumbering the other SECTIONS of ARTICLE 4 of the bill appropriately:

SECTION \_\_\_\_\_. Subchapter G, Chapter 2308, Government Code, is amended by adding Section 2308.319 to read as follows:

Sec. 2308.319. COLLABORATIVE READING INITIATIVES. The commission shall encourage each local workforce development board to raise an amount of local funds in excess of the amount required to meet performance measures to be used to support collaborative reading initiatives.

Amendment No. 8 was adopted without objection.

#### **Amendment No. 9**

Representative J. Keffer offered the following amendment to **CSSB 280**:

Amend **CSSB 280** (House Committee Report) as follows:

(1) Insert a new SECTION 6.08 in the bill (page 43, between lines 8 and 9), to read as follows:

SECTION 6.08. Section 203.103, Labor Code is repealed.

(2) Renumber SECTION 6.08 of the bill as SECTION 6.09 (page 43, line 9).

(3) In the first sentence of renumbered SECTION 6.08 (page 43, line 12), strike "Act" and substitute "article".

(4) In SECTION 9.01(2) of the bill (page 88, line 17), strike "Section 203.102, Labor Code;".

(5) Renumber the subdivisions of SECTION 9.01 of the bill (page 88, lines 18-22).

(6) Strike SECTION 11.01 of the bill (page 98, lines 18-19), and substitute the following:

SECTION 11.01. This Act takes effect September 1, 2003, except that Article 6 of this Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Article 6 takes effect September 1, 2003.

(7) In SECTION 203.105(1) of the bill (page 34, line 10), strike "; and" and substitute "; or".

(Harper-Brown in the chair)

#### **Amendment No. 10**

Representative J. Keffer offered the following amendment to Amendment No. 9:

Amend the Keffer amendment to **CSSB 280** (House Committee Report) as follows:

(1) In SECTION 6.04 of the bill (page 34, line 10), strike "; and" and substitute "; or".

(2) Insert a new SECTION 6.08 in the bill (page 43, between lines 8 and 9), to read as follows:

SECTION 6.08. Section 203.103, Labor Code, is repealed.

(3) Renumber SECTION 6.08 of the bill as SECTION 6.09 (page 43, line 9).

(4) In the first sentence of renumbered SECTION 6.08 (page 43, line 12), strike "Act" and substitute "article".

(5) In SECTION 9.01(2) of the bill (page 88, line 17), strike "Section 203.102, Labor Code;".

(6) Renumber the subdivisions of SECTION 9.01 of the bill (page 88, lines 18-22).

(7) Strike SECTION 11.01 of the bill (page 98, lines 18-19), and substitute the following:

SECTION 11.01. This Act takes effect September 1, 2003, except that Article 6 of this Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Article 6 takes effect September 1, 2003.

Amendment No. 10 was adopted without objection.

Amendment No. 9, as amended, was adopted without objection.

#### **Amendment No. 11**

Representative Dukes offered the following amendment to **CSSB 280**:

Amend **CSSB 280** by adding the following appropriately numbered SECTIONS to the bill and renumbering the other SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Section 204.022, Labor Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) Benefits computed on benefit wage credits of an employee or former employee may not be charged to the account of an employer if the employee's last separation from the employer's employment before the employee's benefit year:

(1) was required by a federal statute;

(2) was required by a statute of this state or an ordinance of a municipality of this state;

(3) would have disqualified the employee under Section 207.044, 207.045, 207.051, or 207.053 if the employment had been the employee's last work;

(4) imposes a disqualification under Section 207.044, 207.045, 207.051, or 207.053;

(5) was caused by a medically verifiable illness of the employee or the employee's minor child;

(6) was based on a natural disaster that results in a disaster declaration by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.), if the employee would have been entitled to unemployment assistance benefits under Section 410 of that act (42 U.S.C. Section 5177) had the employee not received state unemployment compensation benefits;

(7) was caused by a natural disaster, fire, flood, or explosion that causes employees to be separated from one employer's employment; ~~or~~

(8) resulted from the employee's resigning from partial employment to accept other employment that the employee reasonably believed would increase the employee's weekly wage; or

(9) resulted from the employee leaving the employee's workplace to protect the employee from family violence or stalking as evidenced by:

(A) an active or recently issued protective order documenting family violence against, or the stalking of, the employee or the potential for family violence against, or the stalking of, the employee;

(B) a police record documenting family violence against, or the stalking of, the employee;

(C) a physician's statement or other medical documentation of family violence against the employee; or

(D) a statement from a licensed professional counselor, social worker, or other medical professional, a member of the clergy, an attorney or other legal advocate, a trained staff member of a family violence center, or another professional who has assisted the employee in addressing the effects of family violence against, or the stalking of, the employee or the employee's family.

(c) Except as provided by law, evidence regarding an employee described by Subsection (a)(9) may not be disclosed to any person without the consent of the employee.

(d) For purposes of Subsection (a)(9):



(1) "Family violence" has the meaning assigned by Section 71.004, Family Code.

(2) "Stalking" means conduct described by Section 42.072, Penal Code.

SECTION \_\_\_\_\_. Section 207.045(d), Labor Code, is amended to read as follows:

(d) Notwithstanding any other provision of this section, an individual who is available to work may not be disqualified for benefits because the individual left work because of:

(1) a medically verified illness of the individual or the individual's minor child;

(2) injury;

(3) disability; ~~or~~

(4) pregnancy; or

(5) an involuntary separation as described by Section 207.046.

SECTION \_\_\_\_\_. Section 207.046, Labor Code, is amended to read as follows:

Sec. 207.046. INVOLUNTARY SEPARATION. (a) An individual is not disqualified for benefits under this subchapter if:

(1) the work-related reason for the individual's separation from employment was urgent, compelling, and necessary so as to make the separation involuntary; or

(2) the individual leaves the workplace to protect the individual from family violence or stalking as evidenced by:

(A) an active or recently issued protective order documenting family violence against, or the stalking of, the employee or the potential for family violence against, or the stalking of, the employee;

(B) a police record documenting family violence against, or the stalking of, the employee;

(C) a physician's statement or other medical documentation of family violence against the employee; or

(D) a statement from a licensed professional counselor, social worker, or other medical professional, a member of the clergy, an attorney or other legal advocate, a trained staff member of a family violence center, or another professional who has assisted the employee in addressing the effects of family violence against, or the stalking of, the employee or the employee's family.

(b) Except as provided by law, evidence regarding an employee described by Subsection (a)(2) may not be disclosed to any person without the consent of the employee.

(c) In this section:

(1) "Family violence" has the meaning assigned by Section 71.004, Family Code.

(2) "Stalking" means conduct described by Section 42.072, Penal Code.

SECTION \_\_\_\_\_. The changes in law made by this Act to Sections 204.022, 207.045(d), and 207.046, Labor Code, apply only to eligibility for unemployment compensation benefits based on an unemployment compensation claim that is

filed with the Texas Workforce Commission on or after the effective date of this Act. A claim filed before the effective date of this Act is governed by the law in effect on the date the claim was filed, and the former law is continued in effect for that purpose.

Amendment No. 11 was adopted without objection.

#### **Amendment No. 12**

Representative Hodge offered the following amendment to **CSSB 280**:

Amend **CSSB 280** by adding the following appropriately numbered SECTION to the bill and renumbering the other SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Section 207.048, Labor Code, is amended by amending Subsections (a) and (b) and adding Subsection (g) to read as follows:

(a) An individual is disqualified for benefits for a benefit period in which the individual's total or partial unemployment is caused by [:-

[~~(1)~~] the individual's stoppage of work because of a labor dispute at the factory, establishment, or other premises where the individual is or was last employed [:-or

[~~(2) a labor dispute at another place that:~~

[~~(A) is owned or operated by the same employing unit that owns or operates the premises where the individual is or was last employed; and~~

[~~(B) supplies material or services necessary to the continued and usual operation of the premises where the individual is or was last employed].~~

(b) Disqualification for benefits under this section does not apply to an individual who shows to the satisfaction of the commission that the individual:

(1) is not participating in, financing, or directly interested in the labor dispute; [~~and~~]

(2) does not belong to a grade or class of workers any members of which were employed at the premises of the labor dispute immediately before the beginning of the labor dispute and any of whom are participating in, financing, or directly interested in the dispute; or

(3) has been placed on emergency leave without pay by the individual's employer.

(g) For the purposes of Subsection (b), the payment of regular union dues by an individual does not constitute financing a labor dispute.

Amendment No. 12 was adopted without objection.

#### **Amendment No. 13**

Representative Hochberg offered the following amendment to **CSSB 280**:

Amend **CSSB 280** (House Committee Report) between ARTICLES 7 and 8 of the bill (page 45, between lines 9 and 10), by inserting the following:

ARTICLE 7A. OTHER UNEMPLOYMENT COMPENSATION ISSUES

SECTION 7A.01. Subchapter C, Chapter 212, Labor Code, is amended by adding Section 212.106 to read as follows:

Sec. 212.106. RULES REGARDING HEARINGS CONDUCTED BY TELEPHONE CONFERENCE. The commission by rule shall develop procedures to ensure that an appeal tribunal makes every effort in a hearing conducted by telephone conference under this subchapter to obtain all relevant facts and evidence from the parties to the appeal.

Amendment No. 13 was adopted without objection.

#### **Amendment No. 14**

Representative Pickett offered the following amendment to **CSSB 280**:

Amend **CSSB 280** (house committee printing) as follows:

(1) Strike PART 1 of ARTICLE 8 of the bill (page 45, line 11, through page 55, line 26) and substitute the following:

#### **PART 1. SUBSTANTIVE CHANGES REGARDING CAREER SCHOOLS AND COLLEGES**

SECTION 8.01. Section 132.001, Education Code, is amended by amending Subdivisions (1)-(8), (10), and (12) and adding Subdivision (13) to read as follows:

(1) "Career school or college" [~~"Proprietary school"~~] means any business enterprise operated for a profit[;] or on a nonprofit basis[;] that maintains a place of business within this state[;] or solicits business within this state, [~~and~~] that is not specifically exempted by this chapter, and:

(A) that offers or maintains a course or courses of instruction or study; or

(B) at which place of business such a course or courses of instruction or study are [is] available through classroom instruction or by distance education [correspondence], or both, to a person for the purpose of training or preparing the person for a field of endeavor in a business, trade, technical, or industrial occupation, or for avocational or personal improvement.

(2) "Owner" of a career school or college [~~proprietary school~~] means:

(A) in the case of a career school or college owned by an individual, that individual;

(B) in the case of a career school or college owned by a partnership, all full, silent, and limited partners;

(C) in the case of a career school or college owned by a corporation, the corporation, its directors, officers, and each shareholder owning shares of issued and outstanding stock aggregating at least 10 percent of the total of the issued and outstanding shares;

(D) in the case of a career school or college in which the ownership interest is held in trust, the beneficiary of that trust; or

(E) in the case of a career school or college owned by another legal entity, a person who owns at least 10 percent ownership interest in the entity.

(3) "School employee" means any person, other than an owner, who directly or indirectly receives compensation from a career [~~proprietary~~] school or college for services rendered.

(4) "Representative" means a person employed by a career ~~[proprietary]~~ school or college, whether the school or college is located within or without this state, to act as an agent, solicitor, broker, or independent contractor to directly procure students for the school or college by solicitation within or without this state at any place.

(5) "Agency administrator" means the agency administrator of the Texas Workforce Commission or a person, knowledgeable in the administration of regulating career ~~[proprietary]~~ schools and colleges, designated by the agency administrator to administer this chapter.

(6) "Notice to the career school or college" ~~[proprietary school]~~ means written correspondence sent to the address of record for legal service contained in the application for a certificate of approval. "Date of Notice" means the date the notice is mailed by the commission.

(7) "Support" or "supported" means the primary source and means by which a career ~~[proprietary]~~ school or college derives revenue to perpetuate its operation.

(8) "Person" means any individual, firm, partnership, association, corporation, or other private entity or combination ~~[thereof]~~.

(10) "Small career school or college" ~~[proprietary school]~~ means a career ~~[proprietary]~~ school or college that does not receive any payment from federal funds under 20 U.S.C. Section 1070 et seq. and its subsequent amendments or a prepaid federal or state source as compensation in whole or in part for any student tuition and fees or other charges and either:

(A) has an annual gross income from student tuition and fees that is less than or equal to \$100,000 for programs regulated by the agency;

(B) exclusively offers programs to assist students to prepare for an undergraduate or graduate course of study at a college or university; or

(C) exclusively offers programs to assist students, who have obtained, or who are in the process of obtaining, degrees after completing an undergraduate or graduate course of study at a college or university, to prepare for an examination.

(12) "Division" means the division of education of ~~[in]~~ the commission.

(13) "Distance education" means a formal education process in which:

(A) the student and instructor are separated by physical distance;  
and

(B) a variety of communication technologies may be used to deliver synchronous or asynchronous instruction to the student.

SECTION 8.02. Subchapter A, Chapter 132, Education Code, is amended by adding Section 132.0015 to read as follows:

Sec. 132.0015. REFERENCE TO PROPRIETARY SCHOOL. A reference in this code or another law to a proprietary school means a career school or college.

SECTION 8.03. Section 132.002, Education Code, is amended by amending Subsections (a) and (d) and adding Subsections (e) and (f) to read as follows:

(a) The following schools or educational institutions may be exempted ~~[are specifically exempt]~~ from this chapter by the commission under Subsection (d) ~~[and are not within the definition of "proprietary school"]~~:

(1) a school or educational institution supported by taxation from either a local or state source;

(2) a nonprofit school ~~[schools]~~ owned, controlled, operated, and conducted by a bona fide religious, denominational, eleemosynary, or similar public institution ~~[institutions]~~ exempt from property taxation under the laws of this state~~[- but such schools may choose to apply for a certificate of approval hereunder, and upon approval and issuance, are subject to this chapter as determined by the commission];~~

(3) a school or training program that offers instruction of purely avocational or recreational subjects as determined by the commission;

(4) a course or courses of instruction or study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student;

(5) a course or courses of study or instruction sponsored by a recognized trade, business, or professional organization for the instruction of the members of the organization with a closed membership;

(6) a private college ~~[colleges]~~ or university ~~[universities]~~ that awards ~~[award]~~ a recognized baccalaureate, or higher degree, and that maintains ~~[maintain]~~ and operates ~~[operate]~~ educational programs for which a majority of the credits given are transferable to a college, junior college, or university supported entirely or partly by taxation from either a local or state source;

(7) a school or course that is otherwise regulated and approved under and pursuant to any other law or rulemaking process of this state or approved for continuing education credit by an organization that accredits courses for the maintenance of a license, except as provided by Subsection (c);

(8) an aviation school ~~[schools]~~ or instructor ~~[instructors]~~ approved by and under the supervision of the Federal Aviation Administration;

(9) a school that offers intensive review of a student's acquired education, training, or experience to prepare the student for an examination, other than a high school equivalency examination, that the student by law may not take unless the student has completed or substantially completed a particular degree program, or that the student is required to take as a precondition for enrollment in or admission to a particular degree program;

(10) a private school offering primary or secondary education, which may include a kindergarten or prekindergarten program, and that satisfies the compulsory attendance requirements of Section 25.085 pursuant to Section 25.086(a)(1);

(11) a course or courses of instruction by bona fide electrical trade associations for the purpose of preparing students for electrical tests required for licensing and for the purpose of providing continuing education to students for the renewal of electrical licenses;

(12) a nonprofit arts organization that has as its primary purpose the provision of instruction in the dramatic arts and the communications media to persons younger than 19 years of age;

(13) a course or training program conducted by a nonprofit association of air conditioning and refrigeration contractors approved by the Air Conditioning and Refrigeration Contractors Advisory Board to provide instruction for technical, business, or license examination preparation programs relating to air conditioning and refrigeration contracting, as that term is defined by Chapter 1302, Occupations Code ~~[the Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes)]~~;

(14) a course of instruction by a plumbing trade association to prepare students for a plumbing test or program required for licensing, certification, or endorsement or to provide continuing education approved by the Texas State Board of Plumbing Examiners; and

(15) a course of instruction in the use of technological hardware or software if the course is offered to a purchaser of the hardware or software or to the purchaser's employee by a person who manufactures and sells, or develops and sells, the hardware or software, and if the seller is not primarily in the business of providing courses of instruction in the use of the hardware or software, as determined by the commission.

(d) A school or educational institution is exempt from regulation under this chapter only if:

(1) the owner of the school or educational institution:

(A) applies to the commission for an exemption under this section;

and

(B) provides to the commission any information considered necessary by the commission to support the owner's application for an exemption; and

(2) the commission declares that the school or educational institution is exempt after finding that the school or institution is a school or institution listed in Subsection (a).

(e) After a school or educational institution is declared exempt by the commission under this section, the commission may inspect the school or institution or require the owner of the school or institution to provide any information the commission considers necessary for the commission to ensure the school or institution's continued compliance with the requirements of the exemption.

(f) A school or educational institution listed in Subsection (a) may seek a certificate of approval under ~~[Notwithstanding the exemptions listed in Subsection (a), a dispute resolution organization, as defined by Section 154.001, Civil Practice and Remedies Code, may seek a certificate of approval pursuant to]~~ Subchapter C.

SECTION 8.04. Section 132.051(b), Education Code, is amended to read as follows:

(b) Any contract entered into with any person for a course of instruction by or on behalf of any person operating any career [~~proprietary~~] school or college to which a certificate of approval has not been issued pursuant to this chapter is unenforceable in any action brought thereon. Any note, other instrument of indebtedness, or contract relating to payment for educational services obtained from a career school or college that does not hold a certificate of approval issued under this chapter is unenforceable in any action brought on the note, instrument, or contract.

SECTION 8.05. Section 132.055, Education Code, is amended to read as follows:

Sec. 132.055. CRITERIA. The commission may approve the application of such career [~~proprietary~~] school or college when the school or college is found, upon investigation at the premises of the school or college, to have met the following criteria:

(a) The courses, curriculum, and instruction are of such quality, content, and length as may reasonably and adequately achieve the stated objective for which the courses, curriculum, or instruction are offered. Before a school or college conducts a course of instruction in court reporting, the school or college must produce evidence that the school or college has obtained approval for the curriculum from the Court Reporters Certification Board.

(b) There is in the school or college adequate space, equipment, instructional material, and instructor personnel to provide training of good quality.

(c) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(d) The school or college maintains a written record of the previous education and training of the applicant student and clearly indicates that appropriate credit has been given by the school or college for previous education and training, with the new training period shortened where warranted through use of appropriate skills or achievement tests and the student so notified.

(e) A copy of the course outline; schedule of tuition, fees, refund policy, and other charges; regulations pertaining to absence, grading policy, and rules of operation and conduct; regulations pertaining to incomplete grades; the name, mailing address, and telephone number of the commission for the purpose of directing complaints to the agency; the current rates of job placement and employment of students issued a certificate of completion; and notification of the availability of the cost comparison information prepared under Section 132.021(b) through the commission will be furnished the student prior to enrollment.

(f) Except as provided by Section 132.062, on completion of training, the student is given a certificate by the school or college indicating the course and that training was satisfactorily completed.

(g) Adequate records as prescribed by the commission are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced.

(h) The school or college complies with all local, city, county, municipal, state, and federal regulations, such as fire, building, and sanitation codes. The commission may require such evidence of compliance as is deemed necessary.

(i) The school or college is financially sound and capable of fulfilling its commitments for training.

(j) The school's or college's administrators, directors, owners, and instructors are of good reputation and character.

(k) The school or college has, maintains, and publishes in its catalogue and enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges in the event the student enrolled by the school or college fails to take the course or withdraws or is discontinued therefrom at any time prior to completion.

(l) The school or college does not utilize erroneous or misleading advertising, either by actual statement, omission, or intimation as determined by the commission.

(m) Such additional criteria as may be required by the commission.

(n) The school or college does not use a name like or similar to an existing ~~[tax-supported]~~ school or college unless the commission approves the school's or college's use of the name ~~[in the same area]~~.

(o) The school or college furnishes to the commission the current rates of students who receive a certificate of completion and of job placement and employment of students issued a certificate of completion.

(p) The school or college furnishes to the commission for approval or disapproval student admission requirements for each course or program offered by the school or college.

(q) The school or college furnishes to the commission for approval or disapproval the course hour lengths and curriculum content for each course offered by the school or college.

(r) The school or college does not owe a penalty under Section 132.152, 132.155, or 132.157.

SECTION 8.06. Section 132.061, Education Code, is amended to read as follows:

Sec. 132.061. REFUND POLICY. (a) Except as provided by Subsection (g), as a condition for granting certification each career ~~[proprietary]~~ school or college must maintain a cancellation and settlement policy that must provide a full refund of all monies paid by a student if:

(1) the student cancels the enrollment agreement or contract within 72 hours (until midnight of the third day excluding Saturdays, Sundays, and legal holidays) after the enrollment contract is signed by the prospective student; or

(2) the enrollment of the student was procured as the result of any misrepresentation in advertising, promotional materials of the school or college, or representations by the owner or representatives of the school or college.

(b) Except as provided by Subsection (g), as a condition for granting certification each career ~~[proprietary]~~ school or college must maintain a policy for the refund of the unused portion of tuition, fees, and other charges in the event



the student, after expiration of the 72-hour cancellation privilege, fails to enter the course, withdraws, or is discontinued therefrom at any time prior to completion, and such policy must provide:

(1) refunds for resident courses and synchronous distance education courses will be based on the period of enrollment computed on the basis of course time expressed in clock hours;

(2) the effective date of the termination for refund purposes in residence schools or colleges will be the earliest of the following:

(A) the last date of attendance, if the student is terminated by the school or college;

(B) the date of receipt of written notice from the student; or

(C) 10 school days following the last date of attendance;

(3) if tuition and fees are collected in advance of entrance, and if, after expiration of the 72-hour cancellation privilege, the student does not enter the residence school or college, not more than \$100 shall be retained by the school or college;

(4) for the student who enters a residence or a synchronous distance education course of not more than 12 months in length, terminates, or withdraws, the school or college may retain \$100 of tuition and fees and the minimum refund of the remaining tuition and fees will be:

(A) during the first week or one-tenth of the course, whichever is less, 90 percent of the remaining tuition and fees;

(B) after the first week or one-tenth of the course, whichever is less, but within the first three weeks or one-fifth of the course, whichever is less, 80 percent of the remaining tuition and fees;

(C) after the first three weeks or one-fifth of the course, whichever is less, but within the first quarter of the course, 75 percent of the remaining tuition and fees;

(D) during the second quarter of the course, 50 percent of the remaining tuition and fees;

(E) during the third quarter of the course, 10 percent of the remaining tuition and fees; or

(F) during the last quarter of the course, the student may be considered obligated for the full tuition and fees;

(5) for residence or synchronous distance education courses more than 12 months in length, the refund shall be applied to each 12-month period paid, or part thereof separately, and the student is entitled to a refund as provided by Subdivision (4);

(6) refunds of items of extra expense to the student, such as instructional supplies, books, student activities, laboratory fees, service charges, rentals, deposits, and all other such ancillary miscellaneous charges, where these items are separately stated and shown in the data furnished the student before enrollment, will be made in a reasonable manner acceptable to the commission;

(7) refunds based on enrollment in residence and synchronous distance education schools or colleges will be totally consummated within 60 days after the effective date of termination;

(8) refunds for asynchronous distance education ~~[correspondence]~~ courses will be computed on the basis of the number of lessons in the course;

(9) the effective date of the termination for refund purposes in asynchronous distance education ~~[correspondence]~~ courses will be the earliest of the following:

(A) the date of notification to the student if the student is terminated;

(B) the date of receipt of written notice from the student; or

(C) the end of the third calendar month following the month in which the student's last lesson assignment was received unless notification has been received from the student that the student wishes to remain enrolled;

(10) if tuition and fees are collected before any lessons have been completed, and if, after expiration of the 72-hour cancellation privilege, the student fails to begin the course, not more than \$50 shall be retained by the school or college;

(11) in cases of termination or withdrawal after the student has begun the asynchronous distance education ~~[correspondence]~~ course, the school or college may retain \$50 of tuition and fees, and the minimum refund policy must provide that the student will be refunded the pro rata portion of the remaining tuition, fees, and other charges that the number of lessons completed and serviced by the school or college bears to the total number of lessons in the course; and

(12) refunds based on enrollment in asynchronous distance education ~~[correspondence]~~ schools or colleges will be totally consummated within 60 days after the effective date of termination.

(c) In lieu of the refund policy herein set forth, for programs of instruction not regularly offered to the public, the commission may, for good cause shown, amend, modify, or substitute the terms of a career school's or college's ~~[proprietary school's]~~ policy due to the specialized nature and objective of the school's or college's ~~[school's]~~ course of instruction.

(d) If a course of instruction is discontinued by the career ~~[proprietary]~~ school or college and this prevents the student from completing the course, all tuition and fees paid are then due and refundable.

(e) If a refund is not made within the period required by this section, the career ~~[proprietary]~~ school or college shall pay a penalty. If the refund is made to a lending institution, the penalty shall also be paid to that institution and applied against the student's loan. The commission annually shall establish the level of the penalty at a level sufficient to provide a deterrent to the retention of student funds. The commission may exempt a school or college from the payment of the penalty if the school or college makes a good faith effort to refund the tuition, fees, and other charges but is unable to locate the student. The school or college shall provide to the commission on request documentation of the effort to locate the student.

(f) A career ~~[proprietary]~~ school or college shall record a grade of "incomplete" for a student who withdraws but is not entitled to a refund under Subsection (b)(4)(F) if the student requests the grade at the time the student withdraws and the student withdraws for an appropriate reason unrelated to the

student's academic status. A student who receives a grade of incomplete may re-enroll in the program during the 12-month period following the date the student withdraws and complete those incomplete subjects without payment of additional tuition.

(g) A program that is 40 hours or less of class time, or a seminar or workshop, is exempt from the 72-hour rule provided by Subsection (a). The career [proprietary] school or college shall maintain a policy for the refund of the unused portion of tuition, fees, and other charges in the event the student fails to enter the course, withdraws from the course, or is discontinued from the class at any time before completion of the course as provided by this section. The policy must provide that:

(1) refunds are based on the period of enrollment computed on the basis of course time expressed in clock hours;

(2) the effective date of the termination for refund purposes is the earlier of:

(A) the last date of attendance; or

(B) the date the school or college receives written notice from the student that the student is withdrawing from the class; and

(3) the student will be refunded the pro rata portion of tuition, fees, and other charges that the number of class hours remaining in the course after the effective date of the termination bears to the total number of class hours in the course.

(h) A closing career school or college shall make a full refund to each student of the school or college who is owed a refund under this section.

(i) Each owner of a closing career school or college to which a certificate of approval has not been issued under this chapter is personally liable for the amount of any refund owed to a student under Subsection (h).

SECTION 8.07. Sections 132.152(c)-(i), Education Code, are amended to read as follows:

(c) If, after examination of a possible violation and the facts relating to that possible violation, the commission concludes that a violation has occurred, the commission shall issue a preliminary report that states the facts on which the conclusion is based, the fact that an administrative penalty is to be imposed [recommended], and the amount of the penalty to be assessed [recommended]. Not later than the 10th day after the date on which the commission issues the preliminary report, the commission shall send a copy of the report [by certified mail] to the person charged with the violation, together with a statement of the right of the person to a hearing relating to the alleged violation and the amount of the penalty.

(d) Not later than the 20th day after the date on which the [person receives the] report is sent, the person charged must either make a written request for a hearing or remit the amount of the administrative penalty to the commission. Failure either to request a hearing or to remit the amount of the administrative penalty within the time provided by this subsection results in a waiver of a right to a hearing under this section. If the person charged requests a hearing, the

hearing shall be conducted in the same manner as a hearing on the denial of certificate of approval under Section 132.101. If the hearing results in a finding that a violation has occurred, the commission shall:

(1) provide to the person written notice of:

(A) the findings established at the hearing; and

(B) the amount of the penalty; and

(2) enter an order requiring the person to pay the amount of the penalty [by an administrative law judge of the State Office of Administrative Hearings. The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the commission a proposal for a decision about the occurrence of the violation and the amount of the proposed penalty. Based on the findings of fact, conclusions of law, and proposal for decision, the commission by order may:

[(1) find that a violation has occurred and impose a penalty; or

[(2) find that a violation has not occurred].

(e) [The notice of the commission's order given to the person under Chapter 2001, Government Code, must include a statement of the person's right to judicial review of the order.

[(f)] Not later than the 30th day after the date the person receives the order entered by the commission under Subsection (d) [commission's order is final under Section 2001.144, Government Code], the person shall:

(1) pay the amount of the penalty;

(2) remit [pay] the amount of the penalty to the commission for deposit in an escrow account and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty; or

(3) without paying the amount of the penalty, file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty and file with the court a sworn affidavit stating that the person is financially unable to pay the amount of the penalty.

(f) The commission's order is subject to judicial review in the same manner as an appeal of a decision to deny a certificate of approval under Section 132.102.

(g) If on review the court does not sustain the occurrence of the violation or finds that the amount of the penalty should be reduced, the commission shall remit the appropriate amount to the person charged with the violation not later than the 30th day after the date the court's judgment becomes final. [Within the period prescribed by Subsection (f), a person who acts under Subsection (f)(3) may:

[(1) stay enforcement of the penalty by:

[(A) paying the amount of the penalty to the court for placement in an escrow account; or

[(B) giving to the court a supersedeas bond approved by the court that is in the amount of the penalty and that is effective until all judicial review of the commission's order is final; or

[(2) request the court to stay enforcement of the penalty by:

~~[(A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the amount of the penalty and is financially unable to give the supersedeas bond; and~~

~~[(B) giving a copy of the affidavit to the commission by certified mail.]~~

(h) If the court sustains the occurrence of the violation:

(1) the court:

(A) shall order the person to pay the amount of the penalty; and

(B) may award to the commission the attorney's fees and court costs incurred by the commission in defending the action; and

(2) the commission shall remit the amount of the penalty to the comptroller for deposit in the general revenue fund. [The commission may file with the court a contest to an affidavit received under Subsection (g)(2) not later than the fifth day after the date the commission receives the copy. The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. The person who files an affidavit has the burden of proving that the person is financially unable to pay the amount of the penalty and to give a supersedeas bond.]

(i) If the person does not pay the amount of the penalty after the commission's order becomes final for all purposes [and the enforcement of the penalty is not stayed], the commission may refer the matter to the attorney general for collection of the amount of the penalty.

SECTION 8.08. Chapter 132, Education Code, is amended by adding Subchapter J to read as follows:

#### SUBCHAPTER J. CEASE AND DESIST ORDERS

Sec. 132.301. HEARING; NOTICE. (a) The commission may set a hearing on whether to issue a cease and desist order against a person under Section 132.303 if:

(1) the commission has reason to believe that the person is operating a career school or college without a certificate issued by the commission in violation of Section 132.151; and

(2) the person has not responded to more than one written notice from the commission regarding the person's noncompliance with Section 132.151.

(b) The commission shall serve on the person a statement of charges and a notice of hearing, including a copy of the applicable rules of the commission.

Sec. 132.302. HEARING. Except as agreed by the parties with prior written approval of the commission, a hearing under this subchapter must be held not earlier than the fifth day or later than the 30th day after the date of service of the statement and notice required under Section 132.301.

Sec. 132.303. CEASE AND DESIST ORDER. After a hearing held under this subchapter, the commission may issue against the person charged with operating a career school or college without a certificate issued by the commission an order that requires that the person immediately cease and desist from violating this chapter.

Sec. 132.304. ENFORCEMENT; REFERRAL TO THE ATTORNEY GENERAL. The commission may refer the matter to the consumer protection division of the attorney general's office for enforcement if the commission has reason to believe that a person has violated or failed to respond to a cease and desist order issued under this subchapter.

Sec. 132.305. EFFECT OF PRIOR PROCEEDINGS. The commission may proceed under this chapter or any other applicable law without regard to prior proceedings.

Sec. 132.306. RULES. The commission shall adopt rules as necessary to implement this subchapter.

SECTION 8.09. Subchapter I, Chapter 132, Education Code, is amended by adding Section 132.2415 to read as follows:

Sec. 132.2415. TUITION TRUST ACCOUNT. (a) The Texas Workforce Commission depository bonds guaranty trust account is renamed the career school or college tuition trust account. The career school or college tuition trust account is the account designated to receive all amounts related to the protection of career school or college tuition. The balance of the trust account may not exceed \$1 million.

(b) The commission may collect annually a fee from each career school or college to be deposited to the credit of the career school or college tuition trust account. The total amount of the fees collected in a year shall be set by the commission in the amount estimated as necessary to pay the liabilities of the trust account during that year, not to exceed 0.2 percent of the gross amount of tuition and fees charged by career schools and colleges in that year, excluding amounts refunded under Section 132.061.

(c) If, at the end of a fiscal year, the commission determines that the commission has collected fees under this chapter in excess of the amount necessary to defray the expense of administering this chapter, the commission may transfer any portion of the excess amount to the career school or college tuition trust account.

(d) From money in the career school or college tuition trust account, the commission shall attempt to provide a full refund to each student of a closed career school or college of the amount owed to the student as determined under Section 132.061. The commission may provide a partial refund to a student only if the commission determines that the amount in the trust account is insufficient to provide a full refund to the student. The commission shall consider the following factors in determining the amount of a partial refund to be paid to a student:

- (1) the amount of money in the trust account;
- (2) the cost and number of claims against the trust account resulting from closure of the school or college;
- (3) the average cost of a claim paid from the trust account in the past;
- and
- (4) the availability of other licensed career schools or colleges at which the student may complete the student's training.

(e) Notwithstanding Subsection (b), in the state fiscal year ending August 31, 2004, the commission may collect a fee under Subsection (b) only if on January 1 of that year the amount in the career school or college tuition trust account is less than \$300,000. This subsection expires September 1, 2005.

SECTION 8.10. Section 132.242, Education Code, is amended to read as follows:

Sec. 132.242. CLOSED SCHOOL OR COLLEGE. (a) If a career ~~[proprietary]~~ school or college closes, the commission shall attempt to arrange for students of the closed school or college to attend another career ~~[proprietary]~~ school or college.

(b) The expense incurred by a career ~~[proprietary]~~ school or college in providing a teachout that is directly related to educating a student placed in the school or college under this section, including the applicable tuition for the period for which the student has paid tuition, shall be paid from the career ~~[proprietary]~~ school or college tuition trust account ~~[protection fund]~~.

(c) If the student cannot be placed in another career ~~[proprietary]~~ school or college, the student's tuition and fees shall be refunded under Section 132.061(d).

(d) If a student does not accept a place that is available and reasonable in another career ~~[proprietary]~~ school or college, the student's tuition and fees shall be refunded under the refund policy maintained by the closing career ~~[proprietary]~~ school or college under Section 132.061~~(b)~~.

(e) For each closed career school or college, refunds shall be paid from the career school or college ~~[If the amount of the closed proprietary school's bond under Section 132.060 is less than the amount required for student refunds under Subsections (c) and (d), the refunds shall be paid from the proprietary school]~~ tuition trust account ~~[protection fund]~~ in an amount not to exceed \$150,000 ~~[\$50,000]~~.

(f) If another career ~~[proprietary]~~ school or college assumes responsibility for the closed career school's or college's ~~[proprietary school's]~~ students with no significant changes in the quality of training, the student is not entitled to a refund under Subsection (c) or (d).

(g) Attorney's fees, court costs, or damages may not be paid from the career ~~[proprietary]~~ school or college tuition trust account ~~[protection fund]~~.

SECTION 8.11. The change in law made by this part to Section 132.051(b), Education Code, applies only to a note or other instrument issued, or a contract entered into, on or after the effective date of this Act. A note or other instrument issued, or a contract entered into, before the effective date of this Act is governed by the law in effect on the date the note or other instrument was issued or the contract was entered into, and the former law is continued in effect for that purpose.

SECTION 8.12. The change in law made by this part to Section 132.055, Education Code, applies only to an application for a certificate of approval filed with the Texas Workforce Commission on or after the effective date of this Act. An application for a certificate of approval filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 8.13. The changes in law made by this part to Section 132.061(b), Education Code, apply only to the refund policy of a career school or college to which a certificate of approval is granted or renewed by the Texas Workforce Commission on or after the effective date of this Act.

SECTION 8.14. The changes in law made by this part to Section 132.152, Education Code, apply only to an alleged violation of Section 132.151, Education Code, that occurs on or after the effective date of this Act. An alleged violation that occurs before the effective date of this Act is governed by the law in effect on the date the alleged violation occurred, and the former law is continued in effect for that purpose.

SECTION 8.15. On or after the effective date of this part, any amount remaining in or payable to the credit of the tuition protection fund under Section 132.241, Education Code, as that section existed before repeal by this Act, shall be transferred to the credit of the career school or college tuition trust account established under Section 132.2415, Education Code, as added by this part.

(2) Strike SECTIONS 8.14 and 8.15 of the bill (page 59, line 22, through page 65, line 13).

(3) Strike SECTION 8.23 of the bill (page 69, line 24, through page 72, line 20).

(4) Renumber the SECTIONS of ARTICLE 8 appropriately.

(5) Strike SECTION 9.01 of the bill (page 88, lines 15-22) and substitute the following:

SECTION 9.01. The following laws are repealed:

- (1) Section 132.060, Education Code;
- (2) Sections 132.152(j)-(m), Education Code;
- (3) Section 132.241, Education Code;
- (4) Section 201.002, Labor Code;
- (5) Section 203.102, Labor Code;
- (6) Section 301.006, Labor Code, as added by Section 5.82(a), Chapter 76, Acts of the 74th Legislature, Regular Session, 1995;
- (7) Section 301.061(c), Labor Code; and
- (8) Section 302.005(k), Labor Code.

(Wohlgemuth now present)

Amendment No. 14 was adopted without objection.

#### **Amendment No. 15**

Representative Olivo offered the following amendment to **CSSB 280**:

Amend **CSSB 280** as follows:

(1) on page 27, strike lines 4 through 9 and substitute the following:

"(3) postsecondary vocational and technical job-training programs that are not part of approved courses or programs that lead to licensing, certification, or an associate degree under Chapters 61, 130, and 135, Education Code, Subchapter E, Chapter 88, Education Code, and Subchapter E, Chapter 96, Education Code;



"(4) postsecondary vocational and technical job-training programs in a junior or community college that lead to licensing, certification, or an associate degree under Chapters 61, 130, and 135, Education Code, Subchapter E, Chapter 88, Education Code, and Subchapter E, Chapter 96, Education Code;"; and,

(2) renumber subsequent subdivisions.

#### **Amendment No. 16**

Representative Olivo offered the following amendment to Amendment No. 15:

Amend the Olivo amendment to **CSSB 280** by striking the text of the amendment and substituting the following:

Amend **CSSB 280** (House Committee Report) in SECTION 5.01 of the bill (page 26, between lines 18 and 19), by inserting the following:

(c-1) In addition to the curriculum developed under this section, the commission shall develop and implement a plan to encourage participants who successfully complete the curriculum to pursue post-secondary education opportunities leading to certificates and degrees.

Amendment No. 16 was adopted without objection.

Amendment No. 15, as amended, was adopted without objection.

**CSSB 280**, as amended, was passed to third reading.

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

#### **GENERAL STATE CALENDAR SENATE BILLS THIRD READING**

The following bills were laid before the house and read third time:

##### **SB 155 ON THIRD READING**

**(Puente, E. Jones, and Hilderbran - House Sponsors)**

**SB 155**, A bill to be entitled An Act relating to the protection of public freshwater areas; providing a penalty.

**SB 155** was passed.

##### **SB 934 ON THIRD READING**

**(W. Smith - House Sponsor)**

**SB 934**, A bill to be entitled An Act relating to use of certain environmental laboratory data and analysis by the Texas Commission on Environmental Quality.

**SB 934** was passed.

##### **SB 57 ON THIRD READING**

**(Driver - House Sponsor)**

**SB 57**, A bill to be entitled An Act relating to the creation of a statewide alert system for abducted children.

A record vote was requested.

**SB 57** was passed by (Record 636): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Ritter; Telford.

Absent, Excused, Committee Meeting — Heflin; Pitts; Turner.

Absent — Hilderbran; Oliveira; Wohlgemuth; Wolens.

### **STATEMENT OF VOTE**

When Record No. 636 was taken, my vote failed to register. I would have voted yes.

Hilderbran

### **SB 89 ON THIRD READING**

**(J. Davis - House Sponsor)**

**SB 89**, A bill to be entitled An Act relating to compensatory time for persons governing state agencies.

(Speaker in the chair)

**SB 89** was passed.

### **SB 433 ON THIRD READING**

**(Naishtat - House Sponsor)**

**SB 433**, A bill to be entitled An Act relating to the issuance and enforcement of protective orders to protect victims of sexual assault; providing criminal penalties.

**SB 433** was passed.

**SB 894 ON THIRD READING**  
**(Grusendorf - House Sponsor)**

**SB 894**, A bill to be entitled An Act relating to the reporting and auditing requirements relating to school dropouts and to the use of compensatory education funds.

**SB 894** was passed.

**SB 1331 ON THIRD READING**  
**(Callegari - House Sponsor)**

**SB 1331**, A bill to be entitled An Act relating to procurement procedures for construction-related services for public school districts, institutions of higher education, and the Texas Building and Procurement Commission.

(Bonnen in the chair)

**SB 1331** was passed.

**SB 117 ON THIRD READING**  
**(Hope - House Sponsor)**

**SB 117**, A bill to be entitled An Act relating to the authority of certain retired peace officers to carry certain weapons.

**INTRODUCTION OF GUESTS**

Representative Bonnen introduced Michael Lange and representatives from the U.S. Fish and Wildlife Department and the San Bernard National Wildlife Refuge.

**SB 117 - (consideration continued)**

**Amendment No. 1**

Representative Hope offered the following amendment to **SB 117**:

Amend **SB 117**, on third reading, by striking added Section 1701.357(a), Occupations Code, and substituting the following:

(a) This section applies only to:

(1) a peace officer designated as a peace officer under Article 2.12(1), (2), (3), or (10), Code of Criminal Procedure; and

(2) a federal criminal investigator designated as a special investigator under Article 2.122(1) or (5), Code of Criminal Procedure.

Amendment No. 1 was adopted without objection.

**SB 117**, as amended, was passed.

**INTRODUCTION OF GUEST**

The chair recognized Representative Eissler who introduced Dr. George C. "Joby" Kaufman III.

**GENERAL STATE CALENDAR  
SENATE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**CSSB 1047 ON SECOND READING  
(Goodman - House Sponsor)**

**CSSB 1047**, A bill to be entitled An Act relating to protecting state and local officers from certain consequences based on their legislative actions.

**Amendment No. 1**

Representative Lewis offered the following amendment to **CSSB 1047**:

**CSSB 1047** is amended by creating a new Section \_\_\_\_\_ as follows and renumbering all subsequent sections accordingly.

SECTION \_\_\_\_\_. Chapter 171, Local Government Code, is amended by adding Section 171.010 to read as follows:

Sec. 171.010. PRACTICE OF LAW. (a) For purposes of this chapter, a county judge or county commissioner engaged in the private practice of law has a substantial interest in a business entity if the official has entered a court appearance or signed court pleadings in a matter relating to that business entity.

(b) A county judge or county commissioner that has a substantial interest in a business entity as described by Subsection (a) must comply with this chapter.

(c) A judge of a constitutional county court may not enter a court appearance or sign court pleadings as an attorney in any matter before:

(1) the court over which the judge presides; or

(2) any court in this state over which the judge's court exercises appellate jurisdiction.

(d) Upon compliance with this chapter, a county judge or commissioner may practice law in the courts located in the county where the county judge or commissioner serves.

(Wilson in the chair)

Amendment No. 1 was adopted without objection.

**CSSB 1047**, as amended, was passed to third reading. (Wolens recorded voting present, not voting)

**CSSB 1261 ON SECOND READING  
(Campbell - House Sponsor)**

**CSSB 1261**, A bill to be entitled An Act relating to notice of proposed construction and the marking and location of certain wireless communication facilities.

**CSSB 1261** was passed to third reading.

**CSSB 1389 ON SECOND READING**  
**(Hardcastle - House Sponsor)**

**CSSB 1389**, A bill to be entitled An Act relating to livestock branding and identification.

**Amendment No. 1**

Representative Hardcastle offered the following amendment to **CSSB 1389**:

Amend **CSSB 1389** as follows:

- 1) In SECTION 2 of the bill, at page 1, line 18, insert the words "or horses" between "cattle" and "under"; and
- 2) In SECTION 4 of the bill, at page 2, line 9, insert the words "or horses" between "cattle" and "under".

Amendment No. 1 was adopted without objection.

**CSSB 1389**, as amended, was passed to third reading.

(J. Keffer in the chair)

**SB 196 ON SECOND READING**  
**(Howard - House Sponsor)**

**SB 196**, A bill to be entitled An Act relating to a challenge of a voter's registration.

(Speaker in the chair)

**SB 196** was passed to third reading.

**PROVIDING FOR A CONGRATULATORY**  
**AND MEMORIAL CALENDAR**

Representative Edwards moved to set a congratulatory and memorial calendar for 9 a.m. Friday, May 23 and 9 a.m. Saturday, May 24.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Local and Consent Calendars, 5 p.m. or upon adjournment today, E2.024, for a formal meeting, to set a local and consent calendar.

**PROVIDING FOR A LOCAL, CONSENT,**  
**AND RESOLUTIONS CALENDAR**

Representative Reyna moved to set a local, consent, and resolutions calendar for 9 a.m. Friday, May 23.

The motion prevailed without objection.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Mowery moved to suspend the five day posting rule to allow the Committee on Land and Resource Management to consider **SB 755** at 8 a.m. tomorrow, E2.030.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Transportation, upon adjournment today, Desk 46, for a formal meeting, to consider legislation before the committee.

Pensions and Investments, upon adjournment today, Desk 14, for a formal meeting, to consider **SB 977** and **SB 1442**.

**RECESS**

Representative Escobar moved that the house recess until 1:30 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:13 p.m., recessed until 1:30 p.m. today.

**AFTERNOON SESSION**

The house met at 1:30 p.m. and was called to order by the speaker.

**GENERAL STATE CALENDAR  
(consideration continued)****SB 361 ON SECOND READING  
(Hill - House Sponsor)**

**SB 361**, A bill to be entitled An Act relating to the precedence of certain municipal highway access rules and ordinances over highway access management orders of the Texas Transportation Commission.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Hamric, Representative Hill offered the following committee amendment to **SB 361**:

Amend **SB 361** as follows:

(1) In Section 1 of the bill, in amended Section 203.032(a), Transportation Code (engrossed version, page 1, line 9), strike "Subsection (b)" and substitute "Subsections (b) and (d)".

(2) In Section 1 of the bill, in added Section 203.032(c), Transportation Code (engrossed version, on page 1, line 22), between "rights" and the period, insert "by having specifically acquired abutters' rights of access from the adjacent property owner, by specific deed language so indicated, or when constructing limited-access toll roads and parkways without frontage roads that would otherwise allow access, unless preexisting abutters' rights of access to an existing roadway are impacted".

(3) In Section 1 of the bill, in amended Section 203.032, Transportation Code (engrossed version, page 1, between lines 22 and 23), insert the following:

(d) Unless the United States Department of Transportation Federal Highway Administration notifies the department that enforcement of the rule or ordinance would impair the ability of this state or the department to receive funds for highway construction or maintenance from the federal government, an order of the commission under Section 203.031 does not supersede a conflicting highway access rule or ordinance of:

(1) the commissioners court of a county:

(A) with a population of 3.3 million or more; or

(B) that is adjacent to a county with a population of 3.3 million or more; or

(2) the governing body of a municipality located in a county:

(A) with a population of 3.3 million or more; or

(B) that is adjacent to a county with a population of 3.3 million or more.

## **Amendment No. 2**

Representative Hill offered the following amendment to Amendment No. 1:

Amend Committee Amendment No. 1 to **SB 361** (Senate engrossment) by striking the remainder of the amendment after "Amend **SB 361** as follows:" and substitute the following:

"In Section 1 of the bill, strike added Sections 203.032(b) and (c), Transportation Code (Senate engrossment, page 1, lines 13-22), and substitute the following:

(b) Unless the United States Department of Transportation Federal Highway Administration notifies the department that enforcement of the rule or ordinance would impair the ability of this state or the department to receive funds for highway construction or maintenance from the federal government, an order of the commission under Section 203.031(a)(2) or (4) does not supersede a conflicting highway access rule or ordinance of:

(1) the governing body of a municipality, including a home rule municipality; or

(2) the commissioners court of a county:

(A) with a population of 3.3 million or more; or

(B) that is adjacent to a county with a population of 3.3 million or more.

(c) Subsection (b) does not apply when:

(1) the department owns the access rights under Sections 203.034; or

(2) the adjacent property owner does not own the abutter's rights of access."

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

**SB 361**, as amended, was passed to third reading.

**CSSB 482 ON SECOND READING**  
**(Haggerty and Allen - House Sponsors)**

**CSSB 482**, A bill to be entitled An Act relating to certain benefits provided to the survivors of public employees and chaplains killed in the line of duty.

**Amendment No. 1**

Representative Allen offered the following amendment to **CSSB 482**:

Amend **CSSB 482** as follows:

- (1) On page 5, line 8, strike "a traumatic" and substitute "an."
- (2) On page 5, line 10, strike "traumatic injury" and substitute "line of duty accident or illness."
- (3) On page 6, line 12, strike "a traumatic" and substitute "an."
- (4) On page 6, line 14, strike "traumatic injury" and substitute "line of duty accident or illness."
- (5) On page 7, lines 15-16, strike "a traumatic" and substitute "an."
- (6) On page 7, line 17, strike "traumatic injury" and substitute "line of duty accident or illness."

Amendment No. 1 was adopted without objection.

**CSSB 482**, as amended, was passed to third reading.

**SB 514 ON SECOND READING**  
**(Mowery - House Sponsor)**

**SB 514**, A bill to be entitled An Act relating to restricting the use of designated lanes of certain highways.

**SB 514** was passed to third reading.

**SB 691 ON SECOND READING**  
**(Delisi - House Sponsor)**

**SB 691**, A bill to be entitled An Act relating to reimbursement for telemedicine medical services under the Medicaid program and other government-funded programs.

**SB 691** was passed to third reading.

**SB 854 ON SECOND READING**  
**(Hardcastle - House Sponsor)**

**SB 854**, A bill to be entitled An Act relating to the sale, distribution, or importation of noxious plants; providing a criminal penalty.

**SB 854** was passed to third reading.

**SB 876 ON SECOND READING**  
**(Hill - House Sponsor)**

**SB 876**, A bill to be entitled An Act relating to commissions on certain negotiated bond sales.

**SB 876** was passed to third reading.



**SB 1445 ON SECOND READING**  
**(Solomons - House Sponsor)**

**SB 1445**, A bill to be entitled An Act relating to electronically readable information on a driver's license, commercial driver's license, or personal identification certificate; providing a penalty.

**SB 1445** was passed to third reading.

**SB 521 - REQUEST OF SENATE GRANTED**  
**CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hardcastle, the house granted the request of the senate for the appointment of a conference committee on **SB 521**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 521**: Hardcastle, chair; Marchant; Haggerty; Flores; and Grusendorf.

**HB 555 - HOUSE REFUSES TO CONCUR**  
**IN SENATE AMENDMENTS**  
**CONFERENCE COMMITTEE APPOINTED**

Representative Chisum called up with senate amendments for consideration at this time,

**HB 555**, A bill to be entitled an Act relating to notice requirements for certain portable facilities under the Clean Air Act.

Representative Chisum moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 555**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 555**: Chisum, chair; W. Smith; Hardcastle; Kuempel; and Gutierrez.

**SB 1224 - REQUEST OF SENATE GRANTED**  
**CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Keel, the house granted the request of the senate for the appointment of a conference committee on **SB 1224**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1224**: Keel, chair; Talton; Lewis; Garza; and Stick.

**SB 418 - REQUEST OF SENATE GRANTED**  
**CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Smithee, the house granted the request of the senate for the appointment of a conference committee on **SB 418**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 418**: Smithee, chair; Eiland; Truitt; E. Jones; and Isett.

(Turner now present)

**HB 1306 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative Marchant called up with senate amendments for consideration at this time,

**HB 1306**, A bill to be entitled An Act relating to the confidentiality of certain information relating to real property purchased or sold by certain state agencies.

On motion of Representative Marchant, the house concurred in the senate amendments to **HB 1306** by (Record 637): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Ritter; Telford.

Absent, Excused, Committee Meeting — Heflin; Pitts.

Absent — Callegari; Edwards; Jones, J.; Miller; Oliveira; Stick.

**Senate Amendment No. 1 (Senate Committee Amendment No. 1)**

Amend **HB 1306** on page 2 of the bill, between lines 2 and 3, by adding a new SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION 2. Section 51.961(a), Education Code, as added by Chapter 1317, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(a) Information relating to the location, or purchase price, or sale price of real property purchased or sold by or for an institution of higher education, as defined by Section 61.003, is confidential and exempt from disclosure under Chapter 552, Government Code, until a deed ~~[formal award of a contract]~~ for the ~~[purchase or sale of the]~~ property is executed. Information that is confidential and exempted from disclosure under this subsection includes an appraisal, completed report, evaluation, investigation conducted for the purpose of locating or determining the purchase or sale price of the property, or any report prepared in anticipation of purchasing or selling real property.

### **SB 716 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Eiland, the house granted the request of the senate for the appointment of a conference committee on **SB 716**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 716**: Krusee, chair; Eiland; Eissler; Hamric; and Callegari.

### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was taken up at this time.

### **BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

### **HR 1300 - ADOPTED (by Wilson)**

Representative Wilson moved to suspend all necessary rules to take up and consider at this time **HR 1300**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1300**, Honoring writer, producer, and comedian Rushion McDonald of Houston.

**HR 1300** was adopted without objection.

### INTRODUCTION OF GUEST

The speaker recognized Representative Wilson who introduced Rushion McDonald.

#### **HR 1301 - ADOPTED (by Wilson)**

Representative Wilson moved to suspend all necessary rules to take up and consider at this time **HR 1301**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1301**, Recognizing May 20, 2003, as Steve Harvey Day in the State of Texas.

**HR 1301** was adopted without objection.

On motion of Representative Chavez, the names of all the members of the house were added to **HR 1301** as signers thereof.

### INTRODUCTION OF GUEST

The speaker recognized Representative Wilson who introduced Steve Harvey. Mr. Harvey briefly addressed the house.

#### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 41).

#### **BILLS RECOMMITTED**

Representative Driver moved to recommit the following bills to the Committee on Law Enforcement: **SB 51, SB 103, SB 176, SB 439, SB 566, SB 568, SB 613, SB 674, SB 801, SB 841, SB 895, SB 1184, and SB 1896**.

The motion prevailed without objection.

#### **FIVE DAY POSTING RULE SUSPENDED**

Representative Delisi moved to suspend the five day posting rule to allow the Committee on State Health Care Expenditures, Select to consider **SB 1370** in a public hearing, 4:00 p.m. or upon adjournment tomorrow, E1.010.

The motion prevailed without objection.

Representative Puente moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **SB 25, SB 1570, SB 1725, SB 1899, SB 1902, SB 1935, and SB 1947**.

The motion prevailed without objection.

Representative J. Keffer moved to suspend the five day posting rule to allow the Committee on Economic Development to consider **SB 75**, **SB 1262**, and **SB 1819** at 8:00 a.m. tomorrow, E2.028.

The motion prevailed without objection.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Business and Industry, will meet today at 3:15 p.m. rather than the posted time.

Human Services, upon adjournment today, Desk 114, for a formal meeting, to consider **SB 593**, **SB 1038**, **SB 1615**, **SB 1743**, and pending business.

Environmental Regulation, upon adjournment today, Desk 3, for a formal meeting, to consider pending business.

Natural Resources, upon adjournment today, Desk 112, for a formal meeting, to consider **SB 738**.

Local Government Ways and Means, upon adjournment today, Desk 73, for a formal meeting, to consider **SB 1784**.

Calendars, upon adjournment today, speakers committee room, for a formal meeting.

Law Enforcement, upon adjournment today, Desk 56, for a formal meeting.

Criminal Jurisprudence, upon adjournment today, Desk 59, for a formal meeting, to consider **SB 110**, **SB 177**, **SB 600**, **SB 686**, **SB 1054**, **SB 1336**, **SB 1948**, and pending business.

Agriculture and Livestock, upon adjournment today, Desk 144, for a formal meeting, to consider pending business.

State Affairs, upon adjournment today, Desk 17, for a formal meeting, to consider pending business.

Higher Education, upon adjournment today, Desk 86, for a formal meeting, to consider **SB 315**.

Government Reform, upon adjournment today, Desk 108, for a formal meeting, to consider **SB 1152**.

### **FIVE DAY POSTING RULE SUSPENDED**

Representative Puente moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **SB 1928**.

The motion prevailed without objection.

Representative Driver moved to suspend the five day posting rule to allow the Committee on Law Enforcement to consider **SB 1252** and **SB 1679**.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Law Enforcement, 8:30 a.m. tomorrow, E1.014, for a public hearing.

**ADJOURNMENT**

Representative Wilson moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 2:28 p.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HCR 256** (By Kuempel), Directing the White-tailed Deer Advisory Committee to address how habitat relates to the ecological diversity of the state and to study the role of the wildlife biologist in the development of management plans and in the utilization of suitable management practices, including population goals and control, yearly census data, supplemental feeding and food plots, and genetic management.

To State Cultural and Recreational Resources.

**HR 1265** (By Mercer, et al.), Honoring the Honorable John Longoria of San Antonio for his public service.

To Rules and Resolutions.

**HR 1266** (By Marchant), Honoring First Christian Church of Carrollton on its 100th anniversary.

To Rules and Resolutions.

**HR 1268** (By Giddings), Honoring the Reverend Tyrone D. Gordon of St. Luke Community United Methodist Church in Dallas as Pastor of the Day on May 12, 2003, for the Texas House of Representatives.

To Rules and Resolutions.

**HR 1269** (By Eiland), In memory of George Wilmot Karp of Galveston.

To Rules and Resolutions.

**HR 1270** (By Dukes, Naishtat, Keel, Rodriguez, and Craddick), In memory of Dr. George Kozmetsky of Austin.

To Rules and Resolutions.

**HR 1271** (By Gallego), Directing the House Administration Committee to hang a portrait of the Honorable Irma Rangel in the house chamber.

To House Administration.

**HR 1272** (By Pitts), Honoring Mike Navarro of Waxahachie on getting a hole-in-one.

To Rules and Resolutions.

**HR 1273** (By J. Jones), Honoring the Reverend Robert C. Hodge, Sr., for 25 years of service at First Baptist Church in Malakoff.

To Rules and Resolutions.

**SB 26** to Higher Education.

**SB 355** to Public Health.

**SB 503** to Higher Education.

**SB 727** to Criminal Jurisprudence.

**SB 810** to Human Services.

**SB 846** to Law Enforcement.

**SB 1062** to Public Health.

**SB 1127** to Higher Education.

**SB 1176** to Licensing and Administrative Procedures.

**SB 1192** to Insurance.

**SB 1243** to Pensions and Investments.

**SB 1275** to Environmental Regulation.

**SB 1325** to Regulated Industries.

**SB 1367** to Higher Education.

**SB 1387** to Licensing and Administrative Procedures.

**SB 1414** to Public Health.

**SB 1480** to Land and Resource Management.

**SB 1546** to Higher Education.

**SB 1651** to Economic Development.

**SB 1708** to Land and Resource Management.

**SB 1778** to Financial Institutions.

**SB 1936** to Urban Affairs.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**SB 356** to Public Health.

**SB 485** to Transportation.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 41**

**HB 227, HB 263, HB 295, HB 501, HB 854, HB 884, HB 1150, HB 1226, HB 1231, HB 1364, HB 1564, HB 1949, HB 2031, HB 2133, HCR 5, HCR 6, HCR 56, HCR 57, HCR 102, HCR 196, HCR 201, HCR 221, HJR 3**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1****MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Tuesday, May 20, 2003

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:****SB 26** Zaffirini

Relating to the establishment of a pilot program for retention of students in higher education.

**SB 355** Janek

Relating to public health preparedness; providing criminal penalties.

**SB 727** Staples

Relating to the payment of fees awarded to certain attorneys appointed by a court to represent indigent inmates in capital cases.

**SB 810** Harris

Relating to the regulation of social workers; providing a criminal penalty.

**SB 846** Barrientos

Relating to annual reports of the efficiency of officers commissioned by the Department of Public Safety of the State of Texas.

**SB 1062** Carona

Relating to the registration of chiropractic facilities.

**SB 1181** West

Relating to student discipline in public schools.

**SB 1243** Armbrister



Relating to systems and programs administered by the Teacher Retirement System of Texas.

**SB 1325**

Carona

Relating to renewable energy credit for converting solid waste into electric energy.

**SB 1367**

Duncan

Relating to student union fees at component institutions of the Texas Tech University System.

**SB 1387**

Armbrister

Relating to the regulation of racing.

**SB 1480**

Janek

Relating to efforts by coastal counties to mitigate coastal erosion and improve public access to public beaches; authorizing the issuance of bonds by coastal counties.

**SB 1546**

Janek

Relating to laboratory and certain other related fees for public junior colleges.

**SB 1651**

Duncan

Relating to the use of development corporations to improve local telecommunications infrastructure.

**SB 1936**

Ellis, Rodney

Relating to the creation of the Buffalo Bayou Management District; providing the authority to impose taxes and issue bonds.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Tuesday, May 20, 2003 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

LOCAL AND UNCONTESTED CALENDAR

**HB 178**

Ellis

SPONSOR: Staples

Relating to immunity for certain governmental employees for an act or omission committed while supervising an inmate or offender program or activity.

**HB 211**

Brown, Fred

SPONSOR: Ogden

Relating to the purchase of insurance by certain municipalities through competitive bidding and proposal procedures.

**HB 258** Pickett SPONSOR: Madla  
Relating to correcting errors in the distribution of benefits by a public retirement system.

**HB 276** Goodman SPONSOR: Brimer  
Relating to the award of attorney's fees and costs in an action against a fraudulent transfer.

**HB 346** Dutton SPONSOR: Whitmire  
Relating to the period during which a person may be confined for contempt of court.  
(Amended)

**HB 472** Pickett SPONSOR: Madla  
Relating to requirements for certain licensing programs administered by the state fire marshal.

**HB 543** Jones, Jesse SPONSOR: Lindsay  
Relating to certain restrictions on the delivery or installation of a new or used manufactured home in a flood-prone area.

**HB 545** Wohlgemuth SPONSOR: Wentworth  
Relating to military discharge records that are recorded with or otherwise in the possession of a governmental body.  
(Committee Substitute)

**HB 591** Delisi SPONSOR: Fraser  
Relating to public school admission of military personnel and dependents under reciprocity agreements between states.

**HB 608** Denny SPONSOR: Nelson  
Relating to the selection of alternate public members to serve on the committee to review salaries and expenses of elected county or precinct officers.

**HB 627** Reyna SPONSOR: Deuell  
Relating to an area quarantine in response to the introduction of an environmental or toxic agent into the environment; providing a criminal penalty.

**HB 638** Chisum SPONSOR: Armbrister  
Relating to emissions reductions incentives and the emissions reductions incentives account.  
(Committee Substitute)

**HB 671** Lewis SPONSOR: Brimer  
Relating to the requirements for certain alcoholic beverage licenses.

**HB 681** Farrar SPONSOR: Lindsay  
Relating to the location of a jail or related facility operated by a private vendor or a county.  
(Committee Substitute)

**HB 769** Solis SPONSOR: Averitt  
Relating to compensatory time off for certain communications service employees of the Department of Public Safety.

**HB 776** Naishtat SPONSOR: Nelson  
Relating to requiring that certain individuals who provide nursing services in a nursing institution receive annual training in caring for people with dementia.

**HB 821** Goodman SPONSOR: Harris  
Relating to the methods of providing notice of an associate judge's report in a suit affecting the parent-child relationship.

**HB 839** Howard SPONSOR: Armbrister  
Relating to a limitation on the future employment of a board member of certain water-related districts.

**HB 861** McReynolds SPONSOR: Madla  
Relating to the qualifications of a volunteer emergency care attendant.

**HB 873** Cook, Robby SPONSOR: Armbrister  
Relating to the rural volunteer fire department insurance program.

**HB 882** Christian SPONSOR: Staples  
Relating to student center fees at Stephen F. Austin State University.  
(Committee Substitute)

**HB 883** Dutton SPONSOR: Lucio  
Relating to the powers of an associate judge under the Family Code.  
(Amended)

**HB 886** Dutton  
Relating to attorney's fees in a proceeding to enforce an order for the possession of or access to a child.

**HB 889** Dutton SPONSOR: Lucio  
Relating to the enforcement of an agreement concerning child support.

**HB 904** Mowery SPONSOR: Brimer  
Relating to certain nonprofit cemetery corporations.

**HB 940** Chisum SPONSOR: Bivins  
Relating to the Hemphill County Hospital District.

**HB 941** Chisum SPONSOR: Estes  
Relating to the export of certain beer, malt liquor, and ale.

**HB 980** Goodman SPONSOR: Harris  
Relating to the circumstances under which a child may be adopted.  
(Committee Substitute)

**HB 1014** Cook, Robby SPONSOR: Armbrister  
Relating to the purposes for which a special utility district may be created.

**HB 1030** Hardcastle SPONSOR: Duncan  
Relating to the powers and duties of the Hardeman County Hospital District.

**HB 1032** Driver SPONSOR: Deuell  
Relating to expiration of a driving instruction permit.

**HB 1061** Griggs SPONSOR: Brimer  
Relating to municipal officer and employee participation in state travel services contracts.

**HB 1066** Goodman SPONSOR: Brimer

Relating to the continuance of the municipal court technology fund and the purposes for which the fund may be used.

**HB 1076** McCall SPONSOR: Shapiro  
Relating to the ownership of a motor vehicle dealership.

**HB 1078** Chisum SPONSOR: Estes  
Relating to the election of directors of a soil and water conservation district.

**HB 1120** Phillips SPONSOR: Estes  
Relating to the competitive bidding requirement for the Greater Texoma Utility Authority.

**HB 1153** Puente SPONSOR: Madla  
Relating to the retirement system for fire fighters and police officers in certain municipalities.

**HB 1199** Krusee SPONSOR: Whitmire  
Relating to local option elections for the sale of alcoholic beverages; providing a criminal penalty.  
(Committee Substitute)

**HB 1221** Telford SPONSOR: Van de Putte  
Relating to an exclusion from unemployment compensation chargebacks based on a separation from employment resulting from an employer being called to active military duty.

**HB 1264** Cook, Robby SPONSOR: Ogden  
Relating to the sale of wine by holders of a winery permit.  
(Committee Substitute)

**HB 1307** Marchant SPONSOR: Averitt  
Relating to the administration, operation, and regulation of credit unions.  
(Committee Substitute)

**HB 1328** Phillips SPONSOR: Estes  
Relating to cooperative federal and state wildlife-restoration projects.

**HB 1344** Uresti SPONSOR: Van de Putte  
Relating to the election of an unopposed candidate for an office of a political subdivision and to omission of that candidate from the ballot.

**HB 1452** Hilderbran SPONSOR: Wentworth  
Relating to prohibiting a governmental entity from disclosing information relating to use of certain predator control devices.

**HB 1471** Hartnett SPONSOR: Harris  
Relating to the duties and removal of a trustee.  
(Committee Substitute)

**HB 1472** Hartnett SPONSOR: Harris  
Relating to the exercise of powers of appointment.

**HB 1531** Cook, Robby SPONSOR: Armbrister  
Relating to the powers and duties of gas and electric corporations.

**HB 1631** Hilderbran SPONSOR: Fraser  
Relating to the Kimble County Hospital District.

**HB 1637** Oliveira SPONSOR: Averitt  
Relating to the formation, organization, management, and records of certain business organizations.  
(Committee Substitute)

**HB 1702** Taylor SPONSOR: Jackson  
Relating to the sale and subsequent lease of property by certain counties.  
(Amended)

**HB 1730** Hamric SPONSOR: Armbrister  
Relating to the leasing and contracting powers of a port authority or navigation district.  
(Committee Substitute)

**HB 1735** Delisi SPONSOR: Janek  
Relating to disease management services under certain state-funded or state-administered health plans.

**HB 1771** Keel SPONSOR: Wentworth  
Relating to use of certain 9-1-1 fees and surcharges in certain counties.

**HB 1832** Harper-Brown SPONSOR: Shapiro  
Relating to certain powers of the City of Irving with regard to and validating certain acts of the Dallas County Utility and Reclamation District.

**HB 1836** Hardcastle SPONSOR: Duncan  
Relating to the definition of livestock; providing a criminal penalty.

**HB 1875** Wise SPONSOR: Lucio  
Relating to the water infrastructure fund, rural water assistance fund, rural community water and wastewater loan fund, and colonia self-help account, and to certain notes and bonds of water districts.

**HB 1878** Dutton SPONSOR: Harris  
Relating to the establishment of paternity and the establishment and enforcement of child support and medical support for a child.

**HB 1937** Gallego SPONSOR: Gallegos  
Relating to designating September 11 as Texas First Responders Day and creating star of Texas awards for peace officers, firefighters, and emergency medical first responders who are killed or sustain serious or fatal injuries in the line of duty.  
(Committee Substitute)

**HB 2012** Hardcastle SPONSOR: Estes  
Relating to the creation of an organic standards registration and certification program.

**HB 2021** Farabee SPONSOR: Armbrister  
Relating to the bankruptcy notice required to be filed by a regulated oil and gas entity.  
(Committee Substitute)

**HB 2074** Hilderbran SPONSOR: Madla  
Relating to the election of directors and validation of acts of the governing board of the Real-Edwards Conservation and Reclamation District.

**HB 2126** Castro SPONSOR: Janek

Relating to the manner of payment of child support to a local registry.

**HB 2132**                                      Zedler                                      SPONSOR: Madla  
Relating to the subpoena authority of the Texas State Board of Examiners of Psychologists.

**HB 2334**                                      Turner                                      SPONSOR: Ellis, Rodney  
Relating to the right of residents of an area annexed for limited purposes to vote in certain municipal elections.

**HB 2385**                                      Griggs                                      SPONSOR: Harris  
Relating to salary payments to municipal and county employees called to active military duty.

**HB 2396**                                      Corte                                      SPONSOR: Van de Putte  
Relating to the administration of and insurance requirements for certain Veterans' Land Board programs.

**HB 2415**                                      Hopson                                      SPONSOR: Averitt  
Relating to the postjudgment interest rate.  
(Committee Substitute)

**HB 2498**                                      Luna                                      SPONSOR: Hinojosa  
Relating to the jurisdiction of the County Court at Law No. 5 of Nueces County.

**HB 2567**                                      Geren                                      SPONSOR: Armbrister  
Relating to the disposal of brine from desalination operations.

**HB 2582**                                      Jones, Elizabeth                                      SPONSOR: Wentworth  
Relating to the development and implementation of a Texas music compact disc project by the Texas Commission on the Arts.

**HB 2676**                                      Hughes                                      SPONSOR: Averitt  
Relating to the reporting duties of the attorney general.

**HB 2679**                                      Hartnett                                      SPONSOR: Harris  
Relating to the authority of a guardian of the person of a ward to transport the ward to an inpatient mental health facility and file for emergency detention under certain circumstances and to consent to the administration of certain medication.  
(Amended)

**HB 2922**                                      Marchant                                      SPONSOR: Harris  
Relating to a nonsubstantive revision of statutes relating to the Texas Department of Insurance, the business of insurance, and certain related businesses, including conforming amendments, repeals, and penalties.  
(Amended)

**HB 2926**                                      Geren                                      SPONSOR: Estes  
Relating to the regulation of marine manufacturers, dealers, and distributors.  
(Committee Substitute)

**HB 2952**                                      Kuempel                                      SPONSOR: Wentworth  
Relating to the authority of a joint county and municipal hospital to borrow money.

**HB 3126**                                      Truitt                                      SPONSOR: Janek

Relating to educating health professionals, the composition and authority of the statewide health coordinating council, and certain health planning data collected by the department of health.

**HB 3414**

Marchant

SPONSOR: Brimer

Relating to the form used for filing a financing statement and certain other written records.

**HB 3484**

Delisi

SPONSOR: Deuell

Relating to health care coverage and services and other infrastructures for employed persons with disabilities.

**HB 3491**

Raymond

SPONSOR: Zaffirini

Relating to use of certain 9-1-1 fees and surcharges in certain counties.

**HB 3506**

Marchant

SPONSOR: Harris

Relating to renumbering or relettering certain provisions of enacted codes.

**HB 3507**

Marchant

SPONSOR: Harris

Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 77th Legislature to other Acts of that legislature.

**HB 3508**

Marchant

SPONSOR: Harris

Relating to the adoption of a nonsubstantive revision of local laws concerning special districts, including conforming amendments.

**HCR 13**

West, George "Buddy"

SPONSOR: Shapiro

Urging congress to enact the Protect Children From E-Mail Smut Act of 2001.

**HCR 14**

West, George "Buddy"

SPONSOR: Shapiro

Urging congress to enact the Child Modeling Exploitation Prevention Act of 2002.

**HCR 151**

Chavez

SPONSOR: Lucio

Urging Congress to reinstate funding for the Community Adjustment and Investment Program.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 3**

## MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 20, 2003 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

Respectfully,



Patsy Spaw  
Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**May 19**

Business and Industry - **SB 1212**

County Affairs - **SB 1796**

Criminal Jurisprudence - **SB 45, SB 140, SB 443, SB 802, SB 837, SB 1835**

Defense Affairs and State-Federal Relations - **SB 938**

Elections - **SB 757, SB 1215, SB 1643**

Financial Institutions - **SB 1067, SJR 42**

Human Services - **SB 245, SB 923, SB 1073, SB 1204, SB 1498**

Judicial Affairs - **SB 88, SB 1794**

Law Enforcement - **SB 51, SB 176, SB 439, SB 566, SB 568, SB 613, SB 674, SB 801, SB 841, SB 895, SB 1184, SB 1896**

Local Government Ways and Means - **SB 480, SB 1696, SB 1903**

Natural Resources - **HB 3636**

Public Education - **SB 976**

State Affairs - **SB 1059**

Transportation - **SB 305, SB 1704**

Urban Affairs - **SB 264, SB 284**

### ENGROSSED

**May 19 - HCR 199**

### ENROLLED

**May 19 - HB 263, HB 295, HB 501, HB 655, HB 829, HB 884, HB 1156, HB 1226, HB 1231, HB 1364, HB 1564, HB 1949, HB 2031, HCR 5, HCR 6, HCR 57, HCR 102, HCR 196, HCR 201, HCR 221**

### SENT TO THE GOVERNOR

**May 19 - HB 89, HB 587, HB 655, HB 829, HB 1022, HB 1156**

**SIGNED BY THE GOVERNOR**

**May 19 - HB 1065, HB 1156**